

REMARKS

In response to the Office Action mailed on May 16 2008, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims presented are in condition for allowance. Independent claims 1, 21, 22, and 26 have been amended. No new matter has been added by this Amendment.

Claims 1-30 are pending.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4, 7-11, 15-18, 21, 22, 24 and 25 were rejected under 35 USC § 103(a) as unpatentable over Peters et al. (U.S. Patent Publication 2003/0003926 A1) in view of McBride et al. (U.S. Patent Publication 2002/0114431 A1). This rejection is respectfully traversed. The following remarks are for claim 1, but apply by analogy to independent claims 21, 22, and 26.

Claim 1 recites, in part, “performing said pre-selected announcement action wherein if said pre-selected announcement action includes a hold announcement then answering said incoming telephone call by providing the caller with the hold announcement, **wherein the hold announcement is selected from a list and the list is sorted based on frequency of use**” [emphasis added].

The Office Action alleges that Peters in the Abstract and paragraphs [0007], [0031]-[0033] teaches the features of claim 1 regarding hold announcements. Peters (including the passages cited by the Office Action) fails to teach or suggest “wherein the hold announcement is selected from a list and the list is sorted based on frequency of use” as recited in amended claim 1.

Peters makes no disclosure regarding a hold announcement being selected from a list, and further, Peters makes no disclosure regarding the list of hold announcements being sorted based on the frequency of use. McBride was applied for teaching a voice mail system. However, McBride does not compensate for the deficiencies of Peters.

For at least the foregoing reasons, claim 1 is patentable over the combined teachings of Peters and McBride. Therefore, the 35 U.S.C §103 rejection of claim 1 should be withdrawn.

Independent claims 21, 22 and 26 recite “wherein the hold announcement is selected from a list and the list is sorted based on frequency of use” recitations in a manner similar to claim 1. Thus, claims 21, 22, and 26 are patentable over the combined teachings of Peters and McBride for at least analogous reasons.

Dependent claims 2-20 and 27 depend from claim 1. Dependent claim 28 depends from claim 21. Dependent claims 23-25 depend from claim 22. Dependent claim 30 depends from claim 26. Therefore, claims 2-20 and 27, claim 28, claims 23-25 and 29, and claim 30 distinguish over Peters and McBride for at least the reasons discussed for claims 1, 21, 22 and 26, respectively.

In addition, with regard to claims 5, 6 and 12, these claims were rejected under 35 USC 103(a) as unpatentable over Peters, in view of McBride and further in view of Rutledge (US 2002/0142756) (hereafter “Rutledge”). However, nothing was cited or found in Rutledge that corrects the deficiencies of Peters and McBride; therefore, because of their dependency, claims 5, 6 and 12 are patentable over the combined teachings of Peters, McBride, and Rutledge.

Further, claims 13, 14, 19, 20 and 23 were rejected under 35 USC 103(a) as unpatentable over Peters, in view of McBride and further in view of Bremer (US 6,018,671) (hereafter “Bremer”). However, nothing was cited or found in Bremer that corrects the deficiencies of Peters and McBride; therefore, because of their dependency, claims 13, 14, 19, 20 and 23 are patentable over the combined teachings of Peters, McBride, and Bremer.

In addition, claims 27-30 were rejected under 35 USC 103(a) as unpatentable over Peters, in view of McBride and further in view of Brown (US 7,010,288) (hereafter “Brown”). However, nothing was cited or found in Brown that corrects the deficiencies of Peters and McBride; therefore, because of their dependency, claims 27-30 are patentable over the combined teachings of Peters, McBride, and Brown.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-30 pending in the application are in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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